

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

1200 19<sup>TH</sup> STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

NEW YORK, NY  
TYSONS CORNER, VA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ  
BRUSSELS, BELGIUM  
AFFILIATE OFFICES  
JAKARTA, INDONESIA  
MUMBAI, INDIA

FACSIMILE  
(202) 955-9792  
www.kelleydrye.com

September 22, 2005

TODD D. DAUBERT  
DIRECT LINE (202) 955-9788  
E-MAIL: tdaubert@kelleydrye.com

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: WC Dockets Nos. 05-196 and 04-36**  
**Subscriber Acknowledgement Report (September 22, 2005)**

Dear Ms. Dortch:

NuVox Inc., by its attorneys and on behalf of itself and its state operating affiliates (collectively "NuVox"), hereby files the attached "Subscriber Acknowledgement Report" in accordance with the requirements set forth in the Federal Communication Commission's Public Notice, *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36 and 05-196, DA 05-2358 (rel. August 26, 2005). Please feel free to contact the undersigned if you have any questions or need additional information.

Sincerely,



Todd D. Daubert,  
Counsel for NuVox Inc.

Attachment

**NuVox Inc.**  
**Subscriber Acknowledgement Report (September 22, 2005)**  
**WC Dockets 04-36 and 05-196**

NuVox Inc. submits the following Subscriber Acknowledgement Report ("Report") on behalf of itself and its state operating affiliates (collectively "NuVox") updating the information contained in its September 1, 2005 report. This Report contains all of the information described in the Federal Communications Commission's Public Notice, *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36 and 05-196, DA 05-2358 (rel. August 26, 2005) ("Public Notice"). Accordingly, NuVox has satisfied the conditions set forth in the Public Notice to qualify for immunity until September 28, 2005 from any enforcement action regarding the requirement that NuVox obtain affirmative acknowledgement by every existing subscriber.

**Detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning sticker or labels to 100% of its subscribers by the July 29, 2005 deadline.**

NuVox has delivered notices and warning stickers to 100% of its subscribers

**Quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements by September 22 and an estimation of the percentage of subscribers from whom NuVox does not expect to receive an acknowledgement by September 28, 2005.**

As of September 21, 2005, approximately 39% of NuVox's subscribers have submitted their affirmative acknowledgements. Although the percentage of subscribers who have submitted their affirmative acknowledgements has decreased since NuVox's September 1 Report, this is due to the fact that NuVox is in the process of rolling out a new service, so this percentage reflects many customers who were not receiving service as of the date of the last report. NuVox respectfully submits that it is impossible to give a reliable estimate of the percentage of subscribers from whom it does not expect to receive acknowledgement by September 28, 2005. However, in order to satisfy fully the condition for immunity, NuVox estimates that between 0% and 25% of our subscribers will not have returned an acknowledgement by September 28, 2005.

**Detailed description of any and all actions NuVox plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

To the extent required by the applicable statutes and FCC rules, NuVox plans to disconnect any subscribers who do not return their acknowledgments.

**Detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgment by September 28, 2005 and, if the provider does not intend to use a "soft" or "warm" disconnect.**

NuVox currently is determining the technical, operational and financial feasibility of implementing a "soft" or "warm" disconnect (or similar) procedure for subscribers who fail to provide an affirmative acknowledgement by the applicable regulatory deadlines.